

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND

PLACE OF MEETING: Friday, November 22, 2002, 1:30 p.m., Hearing Chambers,
County-City Building, 555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE:

Members: Linda Wibbels, Gerry Krieser, George Hancock,
Gene Carroll and Tom Wanser

Others: Rodger Harris (Building & Safety), Tonya
Skinner (City Law Dept.), Becky Horner and
Missy Minner (Planning Dept.), applicants and
other interested parties.

STATED PURPOSE

OF THE MEETING: Regular Meeting of the City Board of Zoning Appeals

Approval of the minutes of the September 27, 2002 meeting -

Wanser moved approval of the minutes as distributed, seconded by Carroll. Motion to approve carried 5-0, Wanser, Carroll, Wibbels, Krieser and Hancock voting 'yes'.

Appeal No. 2339 by Brian D. Carstens & Associates for a variance to the rear yard on property generally located at 1537 S. 17th Street.

PUBLIC HEARING

November 22, 2002

Brian Carstens appeared on behalf of Dave Miller, of Miller Electric. During the building permit review, it was discovered that the parking lot was not in conformance and had been nonconforming when the property was purchased. The applicant had requested that the application to the Board of Zoning Appeals be put on pending until they were finished with the special permit process for the parking lot. The intent is to build an addition which would take the rear yard setback from 30' to 19'. The addition would house the cellular equipment and provide extra storage for the electrical business. Neighbors have submitted letters supporting the application. They also have the support of the Near South Neighborhood Association. Planning staff was more comfortable with the parking lot being allowed by special permit rather than a change of zone. The parking lot will be screened by the existing fence and it will also be paved.

Wanser asked how the special permit changes the definition of the zoning. Skinner explained that R-6 zoning allows parking lots by special permit, so the conditions of R-6 are not changed by going through the special permit process. That process allows for other concerns, such as the alley and lighting, to be addressed at a public hearing. If this use is removed, the property would have to go back to residential use unless another special permit is obtained. The lots being joined doesn't change the zoning on this one.

With no one further appearing, the public hearing was closed.

ACTION

November 22, 2002

Wanser moved approval, seconded by Krieser.

Wanser indicated that his reason for approving this has to do with the parking requirements of the building not being met on Lot A alone. They would always need Lot C for the parking requirements. That is a unique situation. This property needs some help in order to do business today. Things were different when the properties were platted. The first step of this process was the special permit, the second step is the approval of the variance.

Hancock stated that there are many unusual circumstances with this property. The building on Lot A was legally built, but is no longer appropriate today because parking requirements have changed.

Carroll noted that he would have preferred that the zoning had been changed, rather than passing this off on the Board.

Motion to approve carried 5-0; Wanser, Krieser, Wibbels, Carroll and Hancock voting 'yes'.

Appeal No. 2345 by Jason Weiland for a variance to the rear yard on property generally located at 1155 Garber Avenue.

PUBLIC HEARING

November 22, 2002

Tomas Conrad appeared on behalf of Jason Weiland. They are requesting a rear yard variance from 20' to 16' to build an attached 2-stall garage. The house is on a corner lot that faces Garber Avenue. The garage will be on the side of the house and won't affect the character of the neighborhood. It will improve the look and value of the home and benefit the neighborhood.

He pointed out that staff finding three state the lot is shallow. Granting this variance would allow a reasonable use of the land. If he builds a detached garage he would be required to bury the utilities making it much more costly. An attached garage would not require burying the utilities.

The family has 2 cars, so a 2-stall garage would be more convenient for them. There are natural borders along the garage. Those borders will not be disturbed so this won't affect the neighboring property.

Hancock questioned the distance from the proposed garage to the west lot line. Conrad stated that it is 16'. The bushes are not on the lot line so it looks like a more shallow lot.

Wanser asked whether corner lots have 2 rear yards as well as 2 front yards. Harris explained that corner lots have 2 front yards, 1 side yard and 1 rear yard. The rear yard is computed at 20% of the length of the lot. It may be applied to either side. Once it has been applied, the other side becomes the side yard.

Hancock noted that the Board is not able to consider convenience or property value when making a decision on a variance.

With no one further appearing, the public hearing was closed.

ACTION

November 22, 2002

Wibbels moved approval, seconded by Wanser.

Wibbels stated that corner lots are always at a disadvantage, however, her main reason for approving this application is the shallowness of the lot.

Krieser indicated that he would vote to approve, but had mixed emotions as the rest of neighborhood has detached garages and this does not keep the character of the neighborhood.

Hancock noted that there would not be sufficient reason to grant this based on reasonable use, however the size, shape and depth of the lot give sufficient reason.

Carroll stated that he was comfortable with the approval since there was still a 16' sideyard.

Motion to approve carried 5-0; Wibbels, Wanser, Krieser, Carroll and Hancock voting 'yes'.

Appeal No. 2346 by Jack Way, on behalf of Zion Church, for variances to the lot are covered by a church building and the side yard on property generally located at 828 D Street.

PUBLIC HEARING

November 22, 2002

Becky Horner noted that the applicant had asked to postpone the hearing until his application for a special permit was heard by the Planning Commission on December 11, 2002.

This appeal was held over for public hearing and action on December 20, 2002.

There being no further business, the meeting adjourned at 2:05 pm.

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